

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION TWO

BRITTANY EASTERWOOD,

Plaintiff and Respondent,

v.

RONALD BARRY CURTIS,

Defendant and Appellant.

B293434

(Los Angeles County
Super. Ct. No.18SMRO00347)

APPEAL from an order of the Superior Court of
Los Angeles County. Ron Saxman, Temporary Judge. Affirmed.

Maven Law Firm and Yan Goldshteyn for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

Appellant Ronald Barry Curtis appeals from the trial court's grant of a domestic violence restraining order obtained against him by Brittany Easterwood. Curtis contends the restraining order should be reversed because the trial court improperly excluded evidence relevant to his defense, restricted his cross-examination of Easterwood, and denied him the opportunity to present closing argument. Curtis further contends the trial court erred by denying his request to seal the court record. We affirm the trial court's order.

BACKGROUND

Easterwood filed a petition for a domestic violence restraining order against Curtis on July 31, 2018. At the August 21, 2018 hearing on the petition, the trial court denied Curtis's oral request to seal the record because he was "a high-profile individual."

Easterwood testified that she had dated Curtis for five years but ended the relationship in 2017. Sometime on or before July 18, 2018, Curtis contacted Easterwood by telephone and text message, asking for her assistance on a movie soundtrack. The two of them had previously done such work together when they were in a relationship. Easterwood repeatedly declined, but Curtis was insistent.

Easterwood testified that she went to Curtis's home on July 18, 2018, to tell Curtis in person that she was not interested in working with him on the movie. When Easterwood attempted to leave, Curtis restrained her, seized her cell phone, threatened to kill her, and raped her. Curtis released her five hours later, and Easterwood immediately went to the police and reported the incident.

During cross-examination, the trial court precluded Curtis's counsel from asking Easterwood about her previous sexual contact with Curtis and statements she made in a declaration that was not in evidence. Easterwood testified on cross-examination that there had been numerous incidents of domestic violence throughout her relationship with Curtis. During her cross-examination, Easterwood further testified that she sustained injuries, including a cut on her forehead and bruises on her arms, legs, breasts, and ribcage because of Curtis's assault.

Curtis testified that Easterwood came to his home on July 18, 2018, for the purpose of having sex with him and to ask him for money. He introduced evidence of cash payments he had made to Easterwood in the past. Curtis testified that Easterwood arrived at his home at 4:00 p.m. and immediately began screaming and crying that she had no money. Easterwood then lay down, and Curtis went into the kitchen to get her a glass of water. When he returned, Easterwood was looking at his cellphone and attempting to delete nude photos of her stored on the phone. An altercation ensued in which Curtis attempted to retrieve his cell phone. When the altercation ended, Easterwood and Curtis worked on the movie together and then had sex. Curtis denied having forcible sex with Easterwood. He said that after they had sex, he gave Easterwood \$540 in cash, and she kissed him goodbye and left his home between 8:00 and 8:30 p.m.

The trial court on its own motion struck as irrelevant Curtis's testimony regarding Easterwood's prior hospitalizations and episodes of depression, her drinking and drug use, and her previous boyfriends and her sexual relationships with them.

During her rebuttal testimony, Easterwood stated that she was sober and coherent when she went to Curtis's home on July 18, 2018, and that she did not do so to have sex with him. She said the incident still causes her nightmares, and that she is afraid of Curtis.

At the conclusion of the hearing, the trial court found Easterwood to be more credible than Curtis regarding the events that occurred on July 18, 2018. The court then issued a three-year restraining order precluding Curtis from contacting, harassing, threatening, assaulting, following, stalking, or molesting Easterwood, disturbing the peace or blocking her movements, and requiring him to stay at least 100 yards away from Easterwood, her home, her job, and her vehicle.

This appeal followed.

DISCUSSION

The Domestic Violence Prevention Act (Fam. Code, § 6200 et seq.) (DVPA) provides for the issuance of restraining orders to enjoin specific acts of abuse. "Abuse" is defined under the statute to include "intentionally or recklessly caus[ing] or attempt[ing] to cause bodily injury" and "plac[ing] a person in reasonable apprehension of imminent serious bodily injury to that person or to another." (§ 6203, subds. (a)(1), (3).)

A trial court has broad discretion in determining whether to grant a petition for a restraining order under the DVPA. (*In re Marriage of Fregoso & Hernandez* (2016) 5 Cal.App.5th 698, 702 (*Fregoso*).) We review an order granting a restraining order under the DVPA for abuse of discretion. (*Burquet v. Brumbaugh* (2014) 223 Cal.App.4th 1140, 1143.) We review the evidence supporting such an order under the substantial evidence standard. Under that standard, we determine whether, on the

entire record, there is any substantial evidence, contradicted or uncontradicted supporting the trial court's findings. We must accept as true all evidence supporting the trial court's findings and resolve every conflict in favor of the court's order. (*Ibid.*)

Substantial evidence supports the trial court's issuance of the restraining order against Curtis. Easterwood testified that Curtis repeatedly threw her to the ground, sat on her, twisted her ears and leg, and then raped her. She said she suffered cuts and bruises and that she is afraid of Curtis. "The testimony of one witness, even that of a party, may constitute substantial evidence. [Citation.]" (*Fregoso, supra*, 5 Cal.App.5th at p. 703.) There is ample support in the record for the trial court's implied finding that there was reasonable proof of a past act or acts of abuse warranting a DVPA restraining order.

The record discloses no abuse of discretion or grounds for reversal in the trial court's rulings limiting Curtis's cross-examination of Easterwood and precluding Curtis from testifying about Easterwood's boyfriends or her past hospitalizations and drug or alcohol use. The trial court acted within its discretion by limiting the parties' testimony to the relevant events -- those that occurred on July 18, 2018. (Evid. Code, § 765, subd. (a); *People v. Greenberger* (1997) 58 Cal.App.4th 298, 350 [trial court has "wide latitude" to impose reasonable limits on cross-examination].)

The claimed evidentiary errors, moreover, would require reversal only if a different result would have been reasonably probable had the errors not occurred (*Zhou v. Unisource Worldwide* (2007) 157 Cal.App.4th 1471, 1480), and Curtis fails to establish any prejudice resulting from the trial court's rulings. Easterwood testified, without objection, that Curtis threw her to the ground, restrained her, threatened to kill her, and raped her.

It is not reasonably probable that the trial court would have reached a different result had it admitted testimony concerning Easterwood's past and present boyfriends, her prior episodes of depression, or her prior alcohol and drug use.

Curtis forfeited any claim that he was denied the opportunity to present closing argument by not requesting argument before the trial court ruled on Easterwood's petition. He acknowledges that such argument in a civil proceeding tried by a court and not a jury is a privilege, not a right, that may be granted in the discretion of the court. (*Gillette v. Gillette* (1960) 180 Cal.App.2d 777, 781-782.) The absence of any request by Curtis for closing argument forecloses any claim that the trial court abused its discretion by denying him that privilege.

We reject Curtis's argument that the trial court erred by denying his oral request to seal the court records in this case. The procedures for sealing trial court records are set out in California Rules of Court, rules 2.550 to 2.551. These rules provide that unless confidentiality is required by law, court records are presumed to be open. (Rule 2.550(c).)

A court may order a record sealed only if it expressly finds facts that establish the following: "(1) There exists an overriding interest that overcomes the right of public access to the record; [¶] (2) The overriding interest supports sealing the record; [¶] (3) A substantial probability exists that the overriding interest will be prejudiced if the record is not sealed; [¶] (4) The proposed sealing is narrowly tailored; and [¶] (5) No less restrictive means exist to achieve the overriding interest." (Cal. Rules of Court, rule 2.550(d).) We review an order refusing to seal the record for abuse of discretion. (*Overstock.com, Inc. v. Goldman Sachs Group, Inc.* (2014) 231 Cal.App.4th 471, 490.)

Curtis’s request to seal the record, based on his claim that he was “a high-profile individual,” was supported by his own testimony that he worked on “many pictures and documentaries” and with “many major Hollywood stars, like Julianne Moore.” The trial court noted, however, that the parties had already publicly filed their pleadings in this matter and implicitly found that the facts presented established no “overriding interest” to overcome the right of public access. The record discloses no abuse of discretion.

DISPOSITION

The August 21, 2018 DVPA restraining order against Curtis is affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS.

_____, J.
CHAVEZ

We concur:

_____, Acting P. J.
ASHMANN-GERST

_____, J.
HOFFSTADT